

MEMORANDUM

TO: Dublin City Council
Marsha Grigsby, City Manager
Anne Clarke, Clerk of Council

FROM: Stephen J. Smith
Jennifer Readler
Chris Michael

DATE: September 20, 2012

RE: Emerald LIQ One LLC Liquor Permit

I. INTRODUCTION:

The City of Dublin recently received a Notice to Legislative Authority (“Notice”) from the Ohio Division of Liquor Control concerning Emerald LIQ One LLC’s (“Emerald”) application for a class D5 and D6 liquor permit. Emerald is seeking this permit to attract prospective business to the largely vacant Emerald Town Center. Dublin has received this Notice pursuant to R.C. 4303.26 because Emerald’s proposed location for the permit will be located within the corporate limits of Dublin. As such, Dublin may request a hearing regarding the advisability of the issuance, transfer of ownership, or transfer of location of the permit.

II. BACKGROUND:

Emerald is a domestic limited liability company that was formed in September 2010. The address designated for the permit premises is 5637 Woerner-Temple Road, which is located within the Emerald Town Center. Emerald is seeking to obtain a new D5 and D6 liquor permit from the Ohio Division of Liquor Control. Dublin has already considered a previous application filed by Emerald for a D5 permit to be located in the same plaza at 5625-49 Woerner-Temple Rd. Building 3. However, this Notice is in regard to the D5 and D6 permits sought for the 5637 location.

The Division’s website indicates that Emerald had a D3 and D3A permit cancelled in November 2010. If Emerald’s present application is approved, Emerald will acquire a new D5 and D6 liquor permit.

III. RECOMMENDATION:

It would appear that it is unnecessary to request a hearing in this matter unless the City desires to investigate the reasons for the D3 and D3A permit cancellations in 2010. Regardless of whether Dublin desires a hearing, the Notice must be signed and returned to the Ohio Division of Liquor Control by October 19, 2012.

NOTICE TO LEGISLATIVE
AUTHORITY

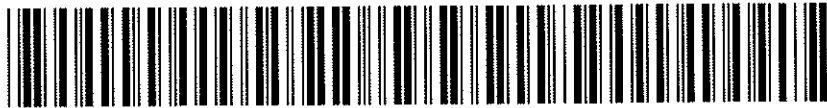
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

25194730005 PERMIT NUMBER		NEW TYPE	EMERALD LIQ ONE LLC 5637 WOERNER TEMPLE RD DUBLIN OH 43016
09 14 2012 ISSUE DATE			
D5 FILING DATE			
25 066 B TAX DISTRICT		287083 RECEIPT NO.	

FROM 09/18/2012

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 09/18/2012

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/19/2012

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 2519473-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF DUBLIN CITY COUNCIL
5200 EMERALD PARKWAY
DUBLIN OHIO 43017

FOR OFFICE USE ONLY
 NEW TRANSFER
 PERMIT # 25194730005

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL
 6686 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
 Telephone: (614) 644-2431 - <http://www.com.ohio.gov/liqr>



LIMITED LIABILITY COMPANY DISCLOSURE FORM
 (This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company Emerald Liq One, LLC	DBA Name 2012 SEP -5 PM 4:02	
Permit Premises Address 5637 Woerner Temple Rd.	City, State Dublin, OH	Zip Code 43016
Township, if in Unincorporated Area	Tax Identification No. (TIN)	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC 4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO Edward Carey		07/02/1945
2) President		
3) Vice-President		
4) Secretary		
5) Treasurer		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC 4191.

1) Name Edward Carey	Social Security No. (if individual)	<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest
Residence Address 2011 Woodlands Dr.	Tax Identification No. (if applicable)	
City and State Powell, OH	Zip Code 43016	
Telephone No. (614) 461-0300	Date of Birth 07/02/1945	
2) Name	Social Security No. (if individual)	<input type="checkbox"/> Managing Member <input type="checkbox"/> 5% or greater voting interest <input type="checkbox"/> 5% or greater membership interest
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE.)

STATE OF OHIO, Franklin COUNTY ss.

I, Edward Carey being first duly sworn, according to law, deposes and says that he/she is (Title) Man. Member

of the Emerald Liq One, LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.

(Signature) Edward Carey (Print Name and Title) Edward B. Carey

Sworn to and signed on my presence Edward W. Hastie day of September 29 2012

Attorney At Law

Notary Public, State of Ohio

My commission has no expiration date

See 147.03 R.C.

(Notary Public)

(Notary Expiration)

DLC 4033

EOE/ADA SERVICE PROVIDER

FOR ITTY USERS DIAL 1-800-750-0750

REV 4/2012

Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	ORC 4303.11 Beer only in original sealed container for carry out only.
C2	\$376	ORC 4303.12 Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	ORC 4303.121 Beer in original sealed containers for carry out.
D8	\$500	ORC 4303.184 Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	ORC 4303.13 Beer only for on premises consumption or in sealed containers for carry out.
D2	\$564	ORC 4303.14 Wine and mixed beverages for on premises consumption or in sealed containers for carryout.
D2X	\$376	ORC 4303.141 Beer only for on premises consumption or in sealed containers.
D3	\$750	ORC 4303.15 Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	ORC 4303.151 Wine only for on premises consumption only until 1:00am.
D3A	\$938	ORC 4303.16 Extend issued permit privileges until 2:30am.
D5	\$2,344	ORC 4303.18 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	ORC 4303.181 (Same as D5). Restaurant meeting certain criteria.
D7	\$469	ORC 4303.183 (Same as D5). RESORT area only.

Museums

Permit Class	Permit Fee	Description
D5G	\$1,875	ORC 4303.181 (Same as D5 – except sales till one am). National sports museum only.
D5H	\$1,875	ORC 4303.181 (Same as D5 – except sales till one am). Fine arts museum only.

Community Entertainment District/Revitalization

Permit Class	Permit Fee	Description
D5J	\$2,344	ORC 4303.181 (Same as D5). Community entertainment district.
D5L	\$2,344	ORC 4303.181 (Same as D5 – except sales till one am). Revitalization District.

Sunday Sales

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	ORC 4303.182 Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

Other

Permit Class	Permit Fee	Description
D5K	\$1,875	ORC 4303.181 (Same as D5 – except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	ORC 4303.181 (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	ORC 4303.181(N) (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	ORC 4303.181(O) (Same as D5). Restaurant located in a casino.
E	\$500	ORC 4303.19 Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.